

# CHAPTER 24 – Freeway Agreements

## Table of Contents

<b>CHAPTER 24 – Freeway Agreements.....</b>	<b>24-3</b>
ARTICLE 1 Introduction and Definitions.....	24-3
Introduction.....	24-3
Freeway/Controlled Access Highway .....	24-3
Definitions .....	24-4
ARTICLE 2 Laws .....	24-5
California Statutes .....	24-6
ARTICLE 3 Policies .....	24-8
General.....	24-8
Public Hearing .....	24-9
Freeway Agreements are Required for all Freeway Projects .....	24-9
New Public Road Connections to Freeways or Expressways .....	24-9
Conditions for Freeway Separation Structures or Interchanges .....	24-9
Federal Highway Administration Approval of Access Control Modification on the Interstate System .....	24-10
Freeway Agreement Required Before Purchase of Right-of-Way or Start of Construction.....	24-10
Avoid Changes to Freeway Agreement Template.....	24-10
Freeway Agreement Not Used for Financial Participation.....	24-11
One Freeway Agreement for Each Local Agency per Route .....	24-11
Certified Copy of Resolution with Authorizing Signature .....	24-11
ARTICLE 4 General.....	24-12
Maintenance Agreements .....	24-12
Relinquishment of Local Roads.....	24-12
Keep Freeway Agreements Current.....	24-12
California Environmental Quality Act and National Environmental Policy Act Coordination.....	24-12
Declaration as Controlled Access Highway .....	24-13
Conformance to Adopted Route .....	24-13
Avoid Other Commitments in Freeway Agreements .....	24-14
ARTICLE 5 Essential Procedures .....	24-14
Processing Procedures and Sequence of Events for the Freeway Agreement Execution Schedule .....	24-14
ARTICLE 6 Freeway Agreement Format .....	24-20
Types of Freeway Agreements .....	24-20
Follow the Templates .....	24-20

Special Clauses .....	24-21
ARTICLE 7 Freeway Agreement Exhibit Maps .....	24-21
Content of Exhibit Map .....	24-21
Types of Exhibit Maps.....	24-21
Exhibit Map Guidelines.....	24-22
ARTICLE 8 Resolutions of Change.....	24-27
Purpose .....	24-27
Resolution Details.....	24-27
Major Changes by Superseding Freeway Agreement .....	24-27
Major Change Definition.....	24-27
Minor Changes - Deferred Freeway Agreement .....	24-28
Resolutions for Minor Changes .....	24-28

## Table of Figures

Figure 24-1 Sequence of Events for Freeway Agreements and Controlled Access Highway Agreements .....	24-19
Figure 24-2 Freeway Agreement Exhibit Map - Symbol .....	24-23
Figure 24-3 Freeway Agreement Exhibit Map - Geometric.....	24-24
Figure 24-4 Freeway Agreement Notes and Symbols Example 1 .....	24-25
Figure 24-5 Freeway Agreement Notes and Symbols Example 2.....	24-26

# CHAPTER 24 – Freeway Agreements

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## ARTICLE 1 Introduction and Definitions

### Introduction

The freeway agreement documents the understanding between Caltrans and the local agency relating to the planned traffic circulation features of the proposed freeway or controlled access highway. It does not bind the State to construct on a particular schedule or staging. In the event that the facility is fully constructed, it shows which streets may be closed or connected to the facility; which streets and roads may be separated from the facility; the location of frontage roads; and how streets may be relocated, extended or otherwise modified to maintain traffic circulation in relation to the facility. Locations of railroad and pedestrian structures, as well as those for other nonmotorized facilities, such as bike paths, should also be shown. Freeway or controlled access highway agreements are often executed many years before construction is anticipated and they form the basis for future planning, not only by Caltrans but by public and private interests in the community. Any reference to an “expressway” in this manual has the definition of a “controlled access highway” attached to it.

### Freeway/Controlled Access Highway

The discussions found in this chapter that use the term “freeway agreement(s)” also apply to “controlled access highway agreement(s).” The term “freeway” is defined in the California Streets and Highways Code Section 23.5. A “controlled access highway” is also referred to for the purpose of processing expressway route adoptions, denominating freeways as controlled access highways at sensitive locations, and processing California Transportation Commission (CTC) approval of new public road connections to expressways. Section 23.5 also indicates that in all other respects, the “controlled access highway” shall be subject to all provisions of the *California Streets and Highways Code* pertaining to freeways. See Chapter 23 – Route Adoptions, for specific discussions about “controlled access highways”.

The term “expressway” is used in the [Highway Design Manual \(HDM\)](#) for highway design purposes and is defined in *California Streets and Highways Code* Section 257 for use in the California Freeway and Expressway System. On expressways, the term “controlled access highway” is substituted for “freeway” in agreements with local agencies.

## **Definitions**

Access control – the full or partial restriction of access to owners or occupants of abutting lands to or from a highway.

Adopted route – a route authorized by law that the CTC has selected, adopted, and determined to be the location of the State highway.

Controlled access highway – an arterial highway for through traffic with full access control that may or may not be divided.

Delegated authority – the control or authority of a duty given to another person to make decisions on the originator’s behalf.

Denomination – changing the designation of a route from freeway to controlled access highway. Denomination is recommended when construction of a full freeway is not anticipated in the 20-year design period for a route initially adopted as a freeway.

Design feature – a characteristic or attribute of the proposed project for the highway facility.

Expressway – an arterial highway for through traffic that may have partial access control that may or may not be divided or have grade separations at intersections.

Freeway – a divided arterial highway for through traffic with full access control and with grade separations at intersections. See *California Streets and Highways Code*, Sections 250 through 257, for a current listing of the California Freeway and Expressway System.

Geometric map – a type of freeway agreement exhibit map that displays all geometric features of the connections to the freeway.

Local agency – a public entity that could be a city or county.

Original freeway agreement – the initial freeway agreement that covers a freeway on a new alignment or the conversion of a conventional highway to a freeway.

Public hearing – a session for the public or the community to be informed and be able to voice their opinion on government proposals.

Relinquishment – the conveyance of all rights, title, interests, liability, and maintenance responsibilities of a State highway, or portion thereof, to another government entity.

Resolution of change – a city or county resolution (an official decision document) recommending minor changes to an already approved freeway agreement.

Special clause – a clause used for a particular case that is not in the freeway agreement template.

Superseding freeway agreement – replaces an original freeway agreement for the subject section of the facility. It is required when a project proposes major changes to the existing facility.

Symbol map – the preferred type of freeway agreement exhibit map that uses symbols depicting interchanges and grade separations along the facility.

## **ARTICLE 2      Laws**

The following *California Streets and Highways Code* Sections provide key laws giving Caltrans the authority to enter into agreements with local agencies and define applicable terms to interpret these laws. In particular Sections 100.2, 100.21, 100.22 and 100.25 provide the statutory direction for execution of freeway or controlled access highway agreements when planned traffic circulation at or near a freeway or expressway will be modified, including modification to city streets or county roads.

## **California Statutes**

### California Streets and Highways Code Section 23.5

Section 23.5 states:

“Freeway” means a highway in respect to which the owners of abutting lands have no right or easement of access to or from their abutting lands or in respect to which such owners have only limited or restricted right or easement of access. If, in the judgment of the commission or the director, the public interest would be advanced thereby, a freeway, as defined herein, may be denominated a “controlled access highway”. In all other respects, the “controlled access highway” shall be subject to all provisions of this code pertaining to freeways.

### California Streets and Highways Code Section 100.1

Section 100.1 states:

The department is authorized to do any and all things necessary to lay out, acquire and construct any section or portion of a State highway as a freeway or to make any existing State highway a freeway.

### California Streets and Highways Code Section 100.2

Section 100.2 states:

The department is authorized to enter into an agreement with the city council or board of supervisors having jurisdiction over the street or highway and, as may be provided in such agreement, to close any city street or county highway at or near the point of its interception with any freeway or to make provision for carrying such city street or county highway over or under or to a connection with the freeway and may do any and all work on such city street or county highway as is necessary therefor. No city street or county highway shall be closed, either directly or indirectly, by the construction of a freeway except pursuant to such an agreement or while temporarily necessary during construction operations. No city street, county road, or other public highway of any kind shall be opened into or connected with any freeway unless and until the commission adopts a resolution consenting thereto and fixing the terms and conditions on which such connection shall be made and the commission may give or withhold its consent or fix such terms and conditions as, in its opinion, will best subserve the public interest.

California Streets and Highways Code Section 100.21

Section 100.21 states:

(a) Whenever a street or highway closing agreement is required by Section 100.2, the department shall not acquire, except by gift, and except in hardship or protective cases as determined by the department or the commission, any real property for a freeway through a city until an agreement is first executed with the city council, or for a freeway through unincorporated territory in a county until an agreement is first executed with the board of supervisors. The department shall give notice to the city council or the board of supervisors, as the case may be, of any acquisition of real property prior to the execution of an agreement.

(b) Notwithstanding subdivision (a), a city council, or a county board of supervisors may, by resolution, authorize the purchase of rights-of-way prior to approval of an agreement if the purchase is limited to the mainline corridor of the proposed freeway and the alignment of the freeway is not at issue.

California Streets and Highways Code Section 100.22

Section 100.22 states:

The city council or board of supervisors shall, prior to entering into the agreement contemplated by Section 100.2, conduct a public hearing on the subject.

California Streets and Highways Code Section 100.25

Section 100.25 states:

In addition to the other matters that may be covered by the agreements authorized under Section 100.2, provisions for improvements, revisions or extensions of city streets or county highways leading to or from a freeway, deemed by the department to be necessary in accommodating the freeway traffic in making proper connections between the existing system of city streets or county roads and the freeway, may be included in such agreements and the department may perform such work as a part of the freeway construction.

### California Streets and Highways Code Section 100.3

Section 100.3 states:

From and after the adoption of a resolution by the commission declaring any section of state highway to be a freeway, the highway described in such resolution shall have the status of a freeway for all purposes of Section 100.2.

Such declaration shall not affect private property rights of access, and any such rights taken or damaged within the meaning of Section 19 of Article I of the California Constitution for such freeway shall be acquired in a manner provided by law.

No state highway shall be converted into a freeway except with the consent of the owners of abutting lands or the purchase or condemnation of their right of access thereto.

## **ARTICLE 3      Policies**

### **General**

Freeway agreements are required by California Statutes and not by federal laws. The *California Streets and Highways Code*, Section 100.2 disallows any city street or county highway to be closed by the construction of a freeway or expressway without an executed freeway agreement between the State and the local jurisdiction authorizing such a closure.

The legislative intent for requiring freeway agreements is to obtain the local agency's support of local road closures and changes to the local circulation system, to protect property rights, and to assure adequate service to the community. Access control is necessary on freeways and expressways so that current and future traffic safety and operations are not compromised.

The rights of access of property owners must be acquired in a manner provided by law, which requires that other reasonable provisions be provided for access to local roads.

The proposed access control facility being covered by the freeway agreement should be examined for conformance to the access control policy in [HDM](#) Topic 104 and Index 205.1. The design standard for interchange spacing in [HDM](#) Index 501.3 "Spacing" should also be examined for conformance by the facility.

## **Public Hearing**

The local agency must have a public hearing prior to executing a freeway agreement with the State.

## **Freeway Agreements are Required for all Freeway Projects**

As long as no streets are closed, a strict interpretation of *California Streets and Highways Code* Section 100.2 would make it theoretically possible to build a freeway without a freeway agreement. Caltrans, however, follows a practice that no freeway will be built without agreement of the local government except as otherwise provided for in California Statutes. Freeway agreements are therefore processed for all freeways and for all freeway projects that require a change to a previous freeway agreement. Except for temporary closings during construction, no city street or county highway may be closed by the freeway without such an agreement.

## **New Public Road Connections to Freeways or Expressways**

A local road must not be connected to a freeway or expressway without consent of the CTC. A new interchange or a new public road connection to a freeway or expressway must be approved by the CTC before a freeway agreement can be executed with the local agency. See [Chapter 27](#) – New Public Road Connections for a discussion of *California Streets and Highways Code* Section 100.2 pertaining to new public road connection procedures.

## **Conditions for Freeway Separation Structures or Interchanges**

Freeway separation structures or new interchanges with unconstructed public roads are included on freeway agreement exhibit maps only when one or more of the following conditions are met:

- Construction of a usable length of the local road has been budgeted by the local agency.
- A written commitment has been secured from the board of supervisors or city council to the effect that a usable length of local road will be constructed or will be under construction at the time freeway construction is undertaken.
- The facility is required to provide access to adjacent property and analysis shows that the separation structure or interchange is more economical than other means of providing access during the interim period prior to the time the local road is to be constructed.

## **Federal Highway Administration Approval of Access Control Modification on the Interstate System**

The Determination of Engineering and Operational Acceptability for new or modified Interstate access must be completed and sent to Headquarters Division of Design before the freeway agreement can be executed by Caltrans. The Federal Highway Administration (FHWA) must grant Final Approval of proposed access control modification on the Interstate system. See [Chapter 27](#) – New Public Road Connections for more information.

## **Freeway Agreement Required Before Purchase of Right-of-Way or Start of Construction**

*California Streets and Highways Code* Section 100.21 prohibits right-of-way acquisition prior to execution of a required freeway agreement—except for hardship and protection. A city council may, by resolution, authorize the purchase of rights-of-way prior to approval of a freeway agreement if the purchase is limited to the mainline corridor of the proposed freeway and the alignment of the freeway is not at issue. This prohibition of right-of-way acquisition applies to major changes unless incorporated in a freeway agreement. Caltrans policy requires all proposed freeway (controlled access highway) projects to be properly covered by an accurate freeway agreement prior to the start of a construction project.

## **Avoid Changes to Freeway Agreement Template**

The purpose of a freeway agreement, as stated in the California Statutes, is to provide an agreement as to which local streets and roads will be closed, carried over or under the freeway, or to a connection therewith. The freeway agreement is not intended to be used as a vehicle to consummate agreement on other matters.

Special clauses should be held to an absolute minimum, as the presently approved standard clauses serve the intended purpose of freeway agreements. If special clauses are recommended by the local agency, the recommendation is to be supported by an explanation of why the special clause is required. See the heading “Special Clauses” in Article 6 for more information. The freeway agreement is not the appropriate vehicle to address concerns beyond the core purpose of the freeway agreement.

### **Freeway Agreement Not Used for Financial Participation**

The freeway agreement does not include details of financial participation. Funding and financial obligations are covered in cooperative agreements pursuant to the *California Streets and Highways Code* Section 114 and Section 130. Therefore, in freeway agreements, the obligations are described in general terms such as “will always be dealt with in separate cooperative agreements between the parties, and any amendments thereto or encroachment permits.”

The freeway project may involve work that is to be financed by the local agency. If requested by the local agency, the financial obligation may be shown on the exhibit map by adding a note. This may be appropriate for new connections, new crossings or pedestrian separations.

### **One Freeway Agreement for Each Local Agency per Route**

In cases where a project is along a freeway corridor going through a number of cities and a freeway agreement is needed, agreements will have to be executed with each local agency affected by the project. If an interchange project is at a city/county or city A/city B limit line, two freeway agreements must be executed. Additionally, a freeway agreement must be executed with each local agency if the project is affecting traffic circulation in both jurisdictions (such as when the boundary limit line goes right through an interchange). It is preferred to have one freeway agreement per local agency per route. For more information, see [Appendix CC](#) – Preparation Guidelines for Freeway Agreement.

### **Certified Copy of Resolution with Authorizing Signature**

A freeway agreement executed by a local agency must be accompanied by a certified copy of a resolution, minute order, or other decree adopted by the governing body that approves the freeway agreement and delegates authority for execution of the freeway agreement by agency officials. The freeway agreement must be executed by the party authorized to do so.

## **ARTICLE 4      General**

### **Maintenance Agreements**

Freeway agreements are used as the basis for establishment of maintenance agreements with local agencies, but are not used as maintenance agreements. Detailed information about maintenance agreements can be found in the [\*Maintenance Agreements Manual\*](#).

### **Relinquishment of Local Roads**

Highways or local roads under Caltrans jurisdiction that do not serve regional or statewide transportation needs should be relinquished to the appropriate local agency. Freeway agreements provide for the relinquishment of local roads constructed as part of the freeway project and are often the basis for the relinquishment action by the CTC. District staff in design or project management will work with district right-of-way engineering to initiate the relinquishment process. Requests for relinquishment CTC action must be forwarded to Chief, Office of Land Surveys, Headquarters Division of Right of Way and Land Surveys. Additional information about relinquishments is located in [\*Chapter 25\*](#) – Relinquishments and Chapter 6 of the [\*Right of Way Manual\*](#).

### **Keep Freeway Agreements Current**

Because of its wide use, the freeway agreement is an extremely important document and care must be exercised in its preparation to ensure accuracy. During the design and construction phases of a project, sometimes it is necessary to make revisions that are not in conformance with the current freeway agreement. If minor changes to freeway agreements are needed, the resolution of change procedure can be used; see Article 8 “Resolutions of Change” for more information.

### **California Environmental Quality Act and National Environmental Policy Act Coordination**

It is normal practice to have the FHWA environmental and design approvals prior to submitting a freeway agreement to a local agency for execution, however, it is permissible to advance the submittal to coincide with completion of the California Environmental Quality Act (CEQA) environmental document in those cases where the local agency procedural and review process is lengthy. Caltrans withholds execution until the FHWA concurs with the environmental document and design.

The “Freeway Agreement Ready for Execution” transmittal letter to the local agency should note this condition.

A project is approved by Caltrans when the project report (PR) and the final environmental document are approved and the notice of determination (NOD) is filed with the State Clearinghouse in the Governor’s Office of Planning and Research. On projects categorically exempt under the provisions of CEQA, Caltrans’ approval of the PR signifies approval of the project. The FHWA gives location and design feature approval when a finding of no significant impact (FONSI) is issued or when the record of decision (ROD) is published after approval of the final environmental impact statement (FEIS).

### **Declaration as Controlled Access Highway**

If a controlled access highway agreement is desired on a route that was initially adopted as a freeway, the district may submit a draft agreement with a request to the Headquarters Division of Design Division Chief, Attention: Denomination to a Controlled Access Highway designation (denomination of the freeway as a “controlled access highway”). The Headquarters Division of Design Division Chief has the delegated authority to denominate the controlled access highway. The transmittal memo should justify and detail the reasons for the request. See [Chapter 23](#) – Route Adoptions for more information.

### **Conformance to Adopted Route**

All deviations from the adopted route in a draft freeway agreement submittal must be cleared by Headquarters Division of Design. To avoid any possible delay, the district must submit adequate justification to the Headquarters Project Delivery Coordinator for any alignment shift due to engineering reasons if re-adoption is not required. The Headquarters Project Delivery Coordinator has the delegated authority to concur with any alignment shift; however, a shift from the adopted alignment is only allowed for engineering reasons, not for political or other reasons. See [Chapter 23](#) – Route Adoptions for more information.

## **Avoid Other Commitments in Freeway Agreements**

Care should always be exercised to make no statements or commitments that Caltrans cannot deliver. An example of this is a local agency attempting to specify the year that certain improvements will take place. A freeway agreement to do this would commit a future CTC to a specific expenditure; the CTC is unable to act on this type of prior commitment, as each project must stand a test of priorities at the appropriate time.

Another common example is that the local agency may attempt to specify that certain project details be submitted to the local agency for approval. Caltrans' authority to approve plans should never be compromised, although Caltrans will work with the agency to devise mutually acceptable plans.

## **ARTICLE 5      Essential Procedures**

### **Processing Procedures and Sequence of Events for the Freeway Agreement Execution Schedule**

Original freeway agreements are required following project approval for a new freeway location or conversion of an existing conventional highway to freeway. Superseding freeway agreements are required for changes that alter the intent of the original freeway agreements. To document minor changes to the existing freeway agreements, see Article 8 “Resolutions of Change.”

Once a determination has been made that a new or superseding freeway agreement is required, a defined review and approval process is followed.

The first and most difficult step to prepare a freeway agreement is determining the limits of the agreement. The limits of the freeway agreement do not need to be the same as the project limits, they may be extended to cover larger areas. For superseding freeway agreements, the limits do not need to be covered entirely by the environmental document as long as revisions are not made to the traffic circulation shown in the freeway agreement to be superseded. For guidelines on how to determine the limits of freeway agreement, see [Appendix CC](#) – Preparation Guidelines for Freeway Agreement.

The numbered sequence of events for the review and approval process is shown on the flow-diagram in Figure 24-1 and the corresponding numbered event descriptions are listed in the following paragraphs. In addition, refer to [Chapter 11](#) – Public Hearing, and to [Chapter 27](#) – New Public Road Connections, for requirements concerning new connections to the freeway.

1. Prepare Draft Freeway Agreement - For details on preparation of freeway agreements and exhibit maps see Article 6, Article 7, [Appendix CC](#) – Preparation Guidelines for Freeway Agreement, and the [Plans Preparation Manual](#). Initial contact is made with the local agency at this point to get input on the draft freeway agreement exhibit map.
2. Transmit Draft Freeway Agreement to Headquarters Division of Design - The draft freeway agreement is transmitted to Headquarters Division of Design, Attention: Freeway Agreement, for review and approval (electronic copies preferred). The transmittal memo should state the purpose of the freeway agreement; some examples are:

“It depicts a new plan of development.”

or

“It revises a portion of the executed freeway agreement, and the changes are \_\_\_\_\_.”

or

“It is a cleanup freeway agreement after construction and incorporates the following changes \_\_\_\_\_.”

Unusual items must be identified and fully justified, such as minor engineering deviations from the adopted route, work outside of normal limits on local roads, or exceptions to policy, etcetera.

Submit the draft freeway agreement with the electronic copies of the draft project report (DPR) or PR if ready.

3. Technical and Legal Review by Headquarters Division of Design - Upon receipt in Headquarters Division of Design, the draft freeway agreement is reviewed for conformance to the adopted route, verified for correct reference to existing freeway agreements and conformance to exhibit map drafting standards. Items requiring revisions are returned to the district prior to further processing. If draft freeway agreement text is different from the standard freeway agreement template (see [Appendix CC](#) – Preparation Guidelines for Freeway Agreement), the draft is sent to the Headquarters Division of Legal for review and legal ruling.

4. Review of Design Features by Headquarters Division of Design - A review is conducted by the Headquarters Project Delivery Coordinator. This review of the entire plan of transportation development assures plan conformance to statewide practices, previous approvals, acceptable geometrics, and applicable provisions of the project development process.

At this step, items requiring revision are returned to the district prior to further processing.

5. Transmit Copy of FHWA Approval Letter of New or Modified Access on Interstate Projects to Headquarters Division of Design - For projects with new or modified Interstate access, the district will send copies of the request letter to FHWA, the FHWA Determination of Engineering and Operational Acceptability approval letter, and correspondence to Headquarters Division of Design, Attention: FHWA Approval. See [Chapter 9](#) – Project Initiation.
6. Transmit Freeway Agreement Approval to District - Once the Project Approval and Environmental Document (PA&ED) phase has been completed and all the required revisions to the freeway agreement have been made, Headquarters Division of Design will send an email approving the freeway agreement for execution by the local agency. Since formal submittal of the freeway agreement to the local agency generally commits the State to a specific plan of development, the submittal must not be made prior to receiving approval from Headquarters Division of Design. On occasions, the draft freeway agreement could be approved, subject to the condition that some minor items be corrected prior to submitting it to the local agency for execution.
7. Prepare Final Freeway Agreement - After the approval for local agency execution email has been received, the district prepares the final freeway agreement in duplicate, incorporating the changes (if any) requested by the Headquarters Division of Design approval.

8. Transmit Freeway Agreement to Local Agency - The local agency always executes the freeway agreement before Caltrans. A transmittal letter should accompany the freeway agreement that is sent to the local agency for execution. The letter should alert the local agency to the public hearing provisions in Section 100.22 of the *California Streets and Highways Code* for all original freeway agreements. It is not necessary to notify the local agency of this provision with superseding freeway agreements; nevertheless, they should be encouraged to include a statement in their resolution authorizing an official to sign the freeway agreement and confirm that the provisions of Section 100.22 have been met. Since the exposure to an action to enforce the law lies with the local agency, it is stressed that each local agency makes its own determination of what adequately meets the requirements of Section 100.22.

If the freeway agreement covers an area where CTC approval of a new connection will be necessary, the transmittal letter should inform the local agency that the State's execution of the freeway agreement must follow CTC approval of the new connection.

9. Execution of Freeway Agreement by Local Agency - The local agency executes the freeway agreement in duplicate and returns these along with copies of the minute order or resolution authorizing its officer to sign the freeway agreement. If the local agency executes the freeway agreement with no change from the Division of Design approval, the official date of execution is the day the city council or county board of supervisors acts on the resolution or the minute order.

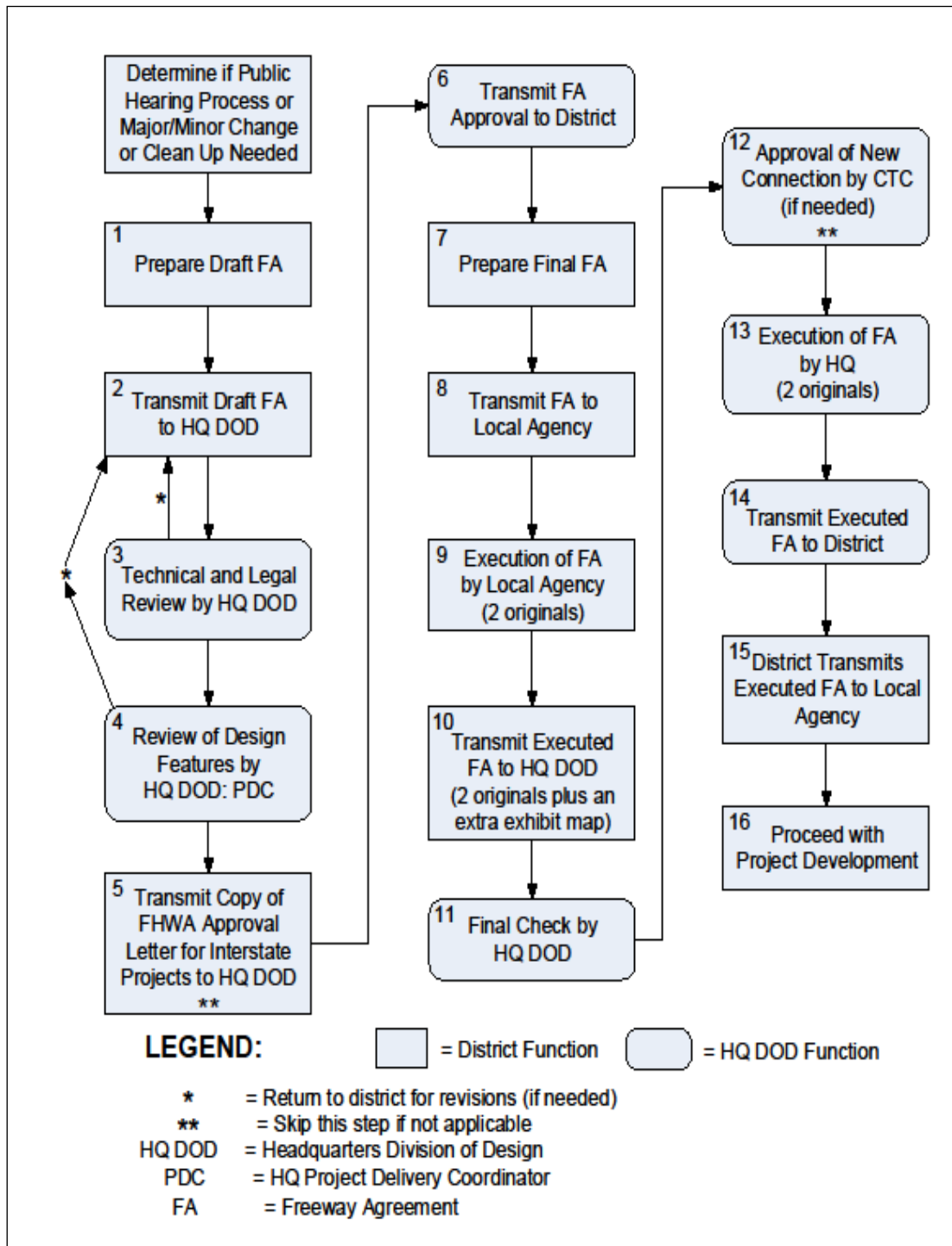
State Not Obligated to Agree - The State is not obligated to execute a freeway agreement if the local agency has revised the conditions under which the agreement was presented to the agency.

10. Transmit Executed Freeway Agreement to Headquarters Division of Design - After execution in duplicate by the local agency, the complete freeway agreement (plus one additional print of the exhibit map) and the authorizing documents must be sent by memorandum to Headquarters Division of Design, Attention: Freeway Agreement.

The transmittal memo must (1) specifically state that the freeway agreement conforms to the approved draft or (2) it must detail any changes made and the reasons therefore. If changes were requested in the draft approval, the transmittal memo must state that these changes were made or explain why they were not. These statements eliminate the need for further comprehensive review by Headquarters Division of Design.

11. Final Check by Headquarters Division of Design - Assuming that the statements required by step 10 have been made, a general review is made by Headquarters Division of Design.
12. Approval of New Connection by CTC - If there is a new connection on the freeway agreement, Headquarters Division of Design sends the new public road connection request to the CTC for approval. The freeway agreement is executed by the State after CTC approval. Refer to [Chapter 27](#) – New Public Road Connections.
13. Execution of Freeway Agreement by Headquarters - The freeway agreement in duplicate is forwarded to the Headquarters Division of Legal for signature, which is the acceptance as to legal form. Then the freeway agreement is signed by the Headquarters Division of Design Division Chief as the Chief Design Engineer. This constitutes execution by the State.
14. Transmit Executed Freeway Agreement to District - Headquarters Division of Design sends one executed document to the district. The other executed document is sent to the Office of Business Services, Records and Forms Management to request an Assigned Document Number and for electronic filing as the official State freeway agreement. The additional print of the exhibit map is retained in Headquarters Division of Design.
15. District Transmits Executed Freeway Agreement to Local Agency - When received in the district, a copy of the fully executed document should be made for the project file and one copy for the district freeway agreements file. The original should be sent to the local agency.
16. Proceed with Project Development - Proceed with design, right-of-way acquisition, etc., as appropriate. The district is responsible for ensuring that the freeway agreement conforms to “as-built” construction plans. In the case of a cleanup freeway agreement after construction, there is no further action.

**Figure 24-1 Sequence of Events for Freeway Agreements and Controlled Access Highway Agreements**



## **ARTICLE 6      Freeway Agreement Format**

### **Types of Freeway Agreements**

A freeway agreement is comprised of two parts, the text derived from the appropriate template (prepared by Headquarters Division of Legal) and an exhibit map. There are two types of freeway agreements, the original freeway agreement and the superseding freeway agreement. There are two templates for each type of freeway agreement based on the funding: one for projects funded/sponsored by Caltrans and one for projects funded or partially funded/sponsored by a local agency.

#### Original Freeway Agreement

An original freeway agreement is required for the initial development of a freeway on a new alignment or the conversion of a conventional highway to a freeway.

#### Superseding Freeway Agreement

A superseding freeway agreement is required when there is a need to change the text of the current executed agreement, to change the exhibit map, or to change the agreement limits. It can supersede the executed freeway agreement in part, or in its entirety.

When superseding a freeway agreement in an area that has been annexed or incorporated into a city, the superseding freeway agreement format is used. It is only necessary to make the appropriate references to the executed freeway agreement with the county, since the obligations of the county are automatically assumed by the city.

### **Follow the Templates**

As previously stated, the purpose of a freeway agreement is to provide an agreement as to which local streets and roads will be closed, carried over or under the freeway, or to a connection therewith. The freeway agreement is not intended to be used as a vehicle to consummate agreement on other matters. The templates have been prepared by Headquarters Division of Legal to cover the essential items needed in a freeway agreement. If the draft freeway agreement text is different from the standard freeway agreement templates, the draft is sent to the Headquarters Division of Legal for review and legal ruling. See [Appendix CC](#) – Preparation Guidelines for Freeway Agreement, for sample template formats.

## **Special Clauses**

Each district’s particular circumstances may require the use of special clauses. These “special” clauses may be acceptable; however, their use is discouraged since they are not required for a freeway agreement. See [Appendix CC](#) – Preparation Guidelines for Freeway Agreement, under “Other Sample Freeway Agreement Clauses (Not Mandatory)” for other clauses that may be included.

# **ARTICLE 7 Freeway Agreement Exhibit Maps**

## **Content of Exhibit Map**

Every freeway agreement includes an exhibit map that displays the ultimate freeway plan, including all locations where work is proposed on local streets. The mapping should extend far enough on both sides of the freeway to show the traffic circulation on the local road system within the freeway corridor. Within this area all publicly used roads and alleys must be shown; conversely, private roads are not shown. On rare occasions there may be a need to show a private road, but the road must be specifically identified as private on the exhibit map.

For the purpose of freeway agreements, a public road or alley is defined as one which is traversable and has a public right-of-way of record. This includes prescriptive rights-of-way. This sometimes means that in a rural area a dirt trail may have public road status. A field review of roads and alleys may be required as part of the exhibit map preparation. A detailed right-of-way review must also be made to determine which roads and alleys have a public right-of-way of record. However, a “paper” county road or city street which exists only on paper as part of an approved subdivision map or as part of a master plan is, for the purposes of *California Streets and Highways Code* Section 100.2, considered to be nonexistent. These streets or roads are not shown on the freeway agreement, nor are they considered for CTC approval of a new public road connection. See [Chapter 27](#) – New Public Road Connections, for more information on public versus private road determination.

## **Types of Exhibit Maps**

The “symbol” and the “geometric” are the two types of exhibit maps in general use. The symbol map depicts interchanges and grade separations with symbols, except railroad separations and pedestrian separations are only shown geometrically. It does not show on-ramps or off-ramps at interchanges. The geometric map displays all

geometric features of these items. All other features (such as hook ramps, pedestrian overcrossings, and bike trails) are shown on both types of maps. Combining symbol and geometric features in the same exhibit map is not allowed, except when there is a freeway-to-freeway interchange (interchange with no local roads) because they must be depicted with geometric features.

### **Exhibit Map Recommended**

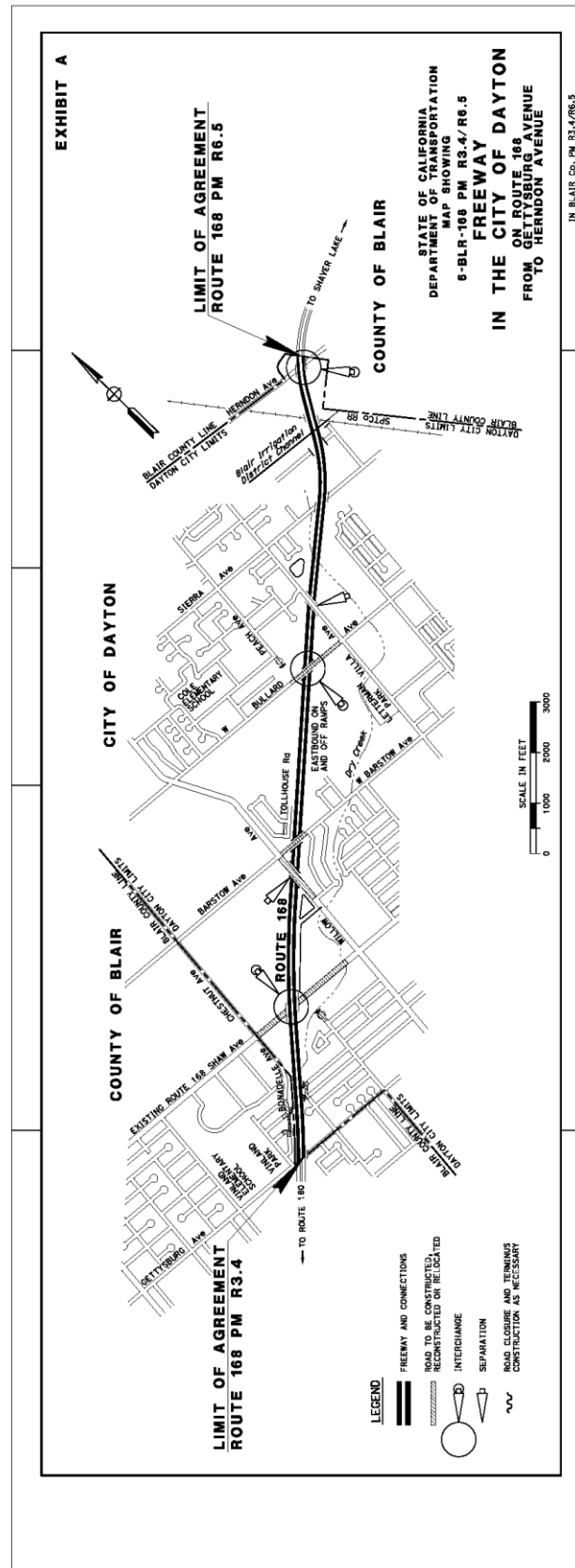
The symbol map is recommended for use whenever possible. The symbol map is typically adequate to fulfill the core purpose of the freeway agreement, which is to document the agreement as to how the local system will connect to the freeway system. The use of the symbol map allows geometric changes to be made without revising the freeway agreement.

A geometric map should only be used to depict complex interactions between the local system and freeway system that cannot be adequately displayed using a symbol map. Although the geometric map is sometimes preferred by local agencies that feel they must approve actual designs, the freeway agreement is not the appropriate vehicle for such conversations. Because the executed exhibit map is a part of the freeway agreement and the facility layout changes as it is refined during the design process, there is always the possibility that a court could conclude that failure to construct in accordance with the exhibit map is a violation of the freeway agreement. Also, the use of a geometric map may require that the freeway agreement be updated each time the geometrics of the connections change.

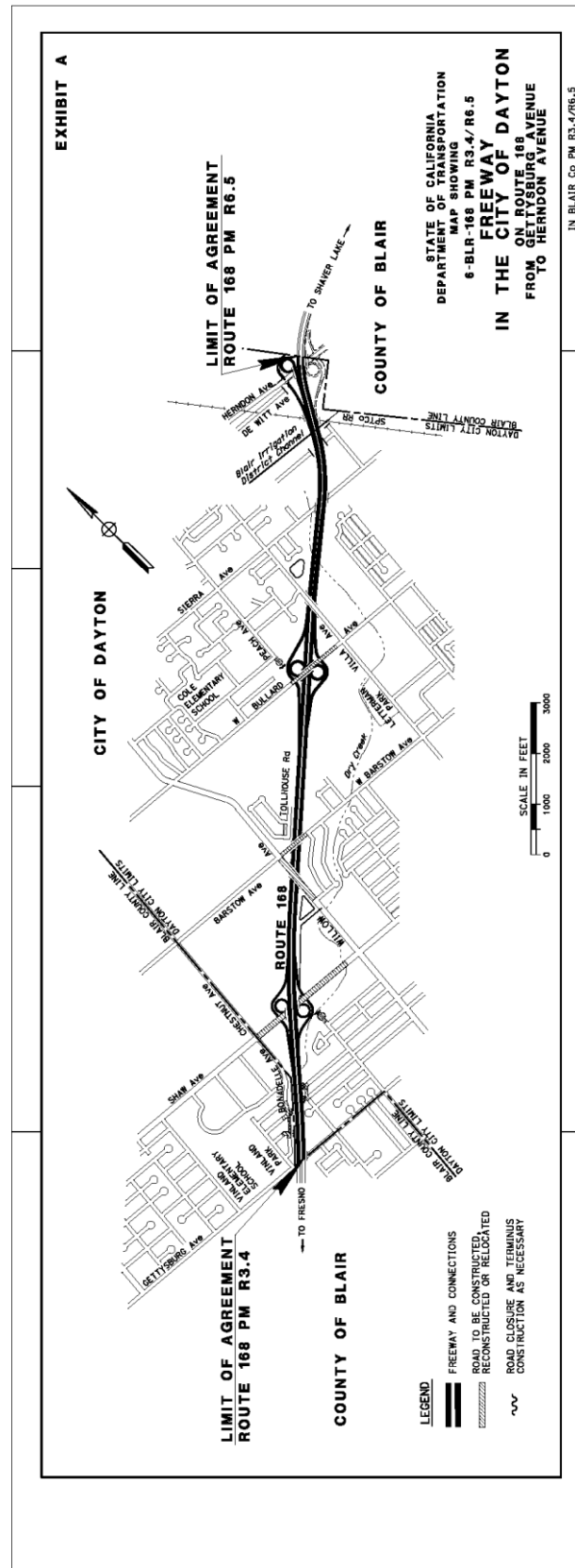
### **Exhibit Map Guidelines**

Exhibit maps should follow the examples in Figure 24-2 and Figure 24-3. See [Appendix CC](#) – Preparation Guidelines for Freeway Agreement and the [Plans Preparation Manual](#) for sample exhibit maps and detailed direction on preparing both symbolic and geometric type of freeway agreement exhibit maps.

### Figure 24-2 Freeway Agreement Exhibit Map - Symbol



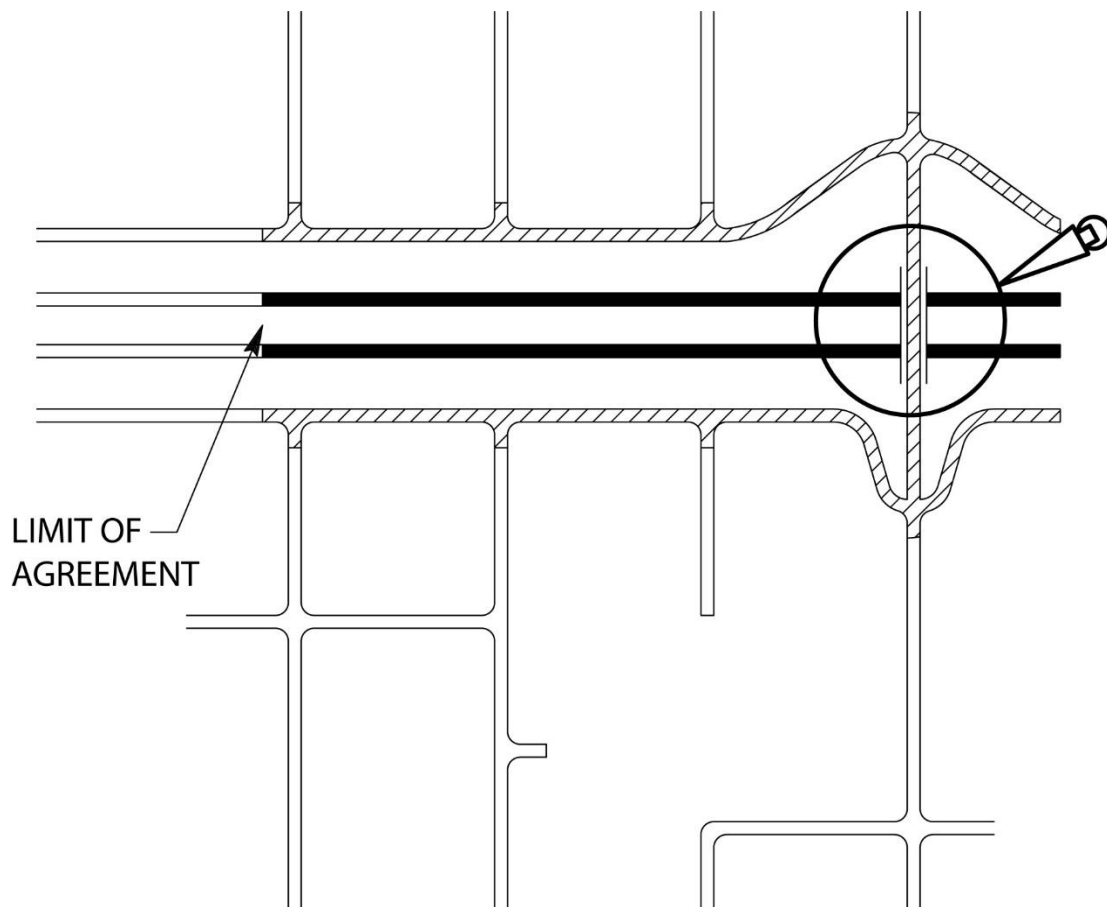
### Figure 24-3 Freeway Agreement Exhibit Map - Geometric



### Exhibit Map Notes and Symbols

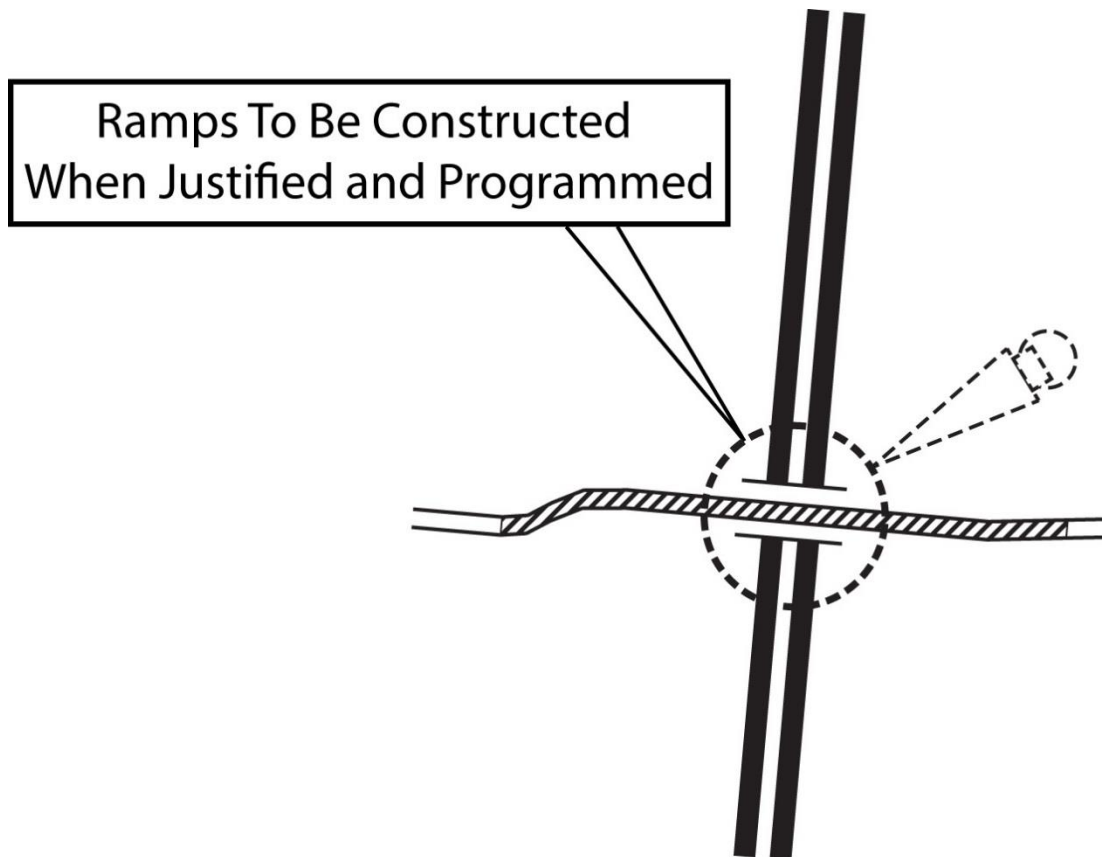
The mainline of the freeway and interchange connections for those portions of work within the freeway agreement limits should be darkened, that is filled-in within the lines. Roadways outside the freeway agreement limits should show as open lines. See Figure 24-4.

**Figure 24-4 Freeway Agreement Notes and Symbols Example 1**



The freeway agreement does not commit the State to any construction timetable; it is preferable that exhibit maps be prepared on the basis of the ultimate improvement plan whenever possible. However, there will be occasions when, for mutual understanding, or at the insistence of the local agency, it may be necessary to indicate some form of initial construction on the exhibit map. One example might be when only the separation portion of an interchange will be constructed with the freeway. In this case a note should be placed on the exhibit map stating “Ramps To Be Constructed When Justified and Programmed.” On a symbol map, a dashed interchange symbol and the note should be used only if the interchange was studied and approved in the environmental document. On a geometric map, the ramps can be shown by dashed lines with the note. See Figure 24-5. Another example might be where the initial construction will be an expressway. In this case, the initial expressway condition at the intersections can be indicated by note or with graphic insets on the exhibit map.

**Figure 24-5 Freeway Agreement Notes and Symbols Example 2**



## **ARTICLE 8      Resolutions of Change**

### **Purpose**

A freeway agreement may be changed at any time by mutual consent. A resolution of change is an intermediate step that may be taken prior to superseding the executed freeway agreement. The resolution of change procedure is used to document minor changes to the State highway or to the local roads within the limits of an existing freeway agreement. Construction of a new pedestrian overcrossing or a realignment of a frontage road is an example of a minor change.

### **Resolution Details**

Resolutions are obtained from the local agency whereby they agree, or request, that revisions be incorporated into a superseding freeway agreement at some future date. The resolutions generally reference the current executed freeway agreement, state what changes are proposed, and should state why. An exhibit map is attached for clarification. The exhibit map may be a portion of the executed freeway agreement exhibit map, modified to show the changes. The resolution and the exhibit map should be 8.5 x 11-inch in size.

### **Major Changes by Superseding Freeway Agreement**

Any change may be covered by a resolution, but the timing of the superseding freeway agreement is critical for resolutions covering major changes. Major changes must be followed up and covered by a superseding freeway agreement before beginning design, right-of-way acquisition, or construction. Major changes usually require the project development/environmental process.

### **Major Change Definition**

A major change is generally defined as follows: Added local road closures, reconnecting previously closed local roads, new interchanges, new grade separations, significant lengths of new frontage roads, or making any major revisions thereto. These items are included because they are required by law to be covered by a freeway agreement or have a significant effect on the local agency and residents.

## **Minor Changes - Deferred Freeway Agreement**

Changes such as minor variations of design on frontage roads, interchanges, and grade separations, etc., must also be covered by a superseding freeway agreement—but this may be deferred until after construction. The resolutions are reviewed in the district for geometrics and scope, and cleared with the FHWA as appropriate. Minor changes are usually categorically exempt under CEQA and categorically excluded under the National Environmental Policy Act (NEPA).

## **Resolutions for Minor Changes**

Local agencies' resolutions for minor changes may be accumulated and included in one freeway agreement, but they must be transmitted individually to Headquarters Division of Design, Attention: Resolution of Change, as soon as they are executed by the local agency. Two copies are required and the transmittal memorandum should detail the changes and provide whatever justification is necessary. Headquarters Division of Design files the resolutions with the current executed freeway agreement.